



COMMUNITY DEVELOPMENT AGENCY

LONG RANGE PLANNING

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To: El Dorado County Planning Commission

From: Shawna Purvines, Principal Planner

Subject: **Targeted General Plan Amendment and Zoning Ordinance Update**

PURPOSE OF PROJECT

In accordance with State CEQA Guidelines Section 15126.6, and as discussed in Chapter 4 of the Project DEIR, the Planning Commission may review a reasonable range of options with which to make recommendations to the Board of Supervisors (Board). Beginning on August 4, 2014, the El Dorado County Planning Commission will hold a public hearing consisting of a series of ongoing meetings to receive comments on the Targeted General Plan Amendment and Zoning Ordinance Update Project, and to prepare a recommendation to the Board of Supervisors at the Project hearing anticipated to be held in October 2014.

PROJECT DESCRIPTION

The Targeted General Plan Amendment (TGPA) and Zoning Ordinance Update (ZOU) project consists of targeted amendments to the El Dorado County General Plan, a comprehensive ZOU, and design standards and guidelines for mixed use development (MXD). The project applies to those areas that are under County jurisdiction and does not include the incorporated areas of the cities of South Lake Tahoe and Placerville.

This memo discusses the following:

1. Project Background And Process Overview
 - a. General Plan Five-year review and Targeted General Plan Amendment;
2. Zoning Ordinance Update;
3. Public Engagement;
4. Character, Analysis, and Future Use of this Environmental Impact Report; and
5. Next Steps

PROJECT BACKGROUND AND PROCESS OVERVIEW

The El Dorado County General Plan was adopted in 2004. On April 4, 2011 the Board received the first Five-year review on the General Plan as required by General Plan Goal 2.9. The General Plan recognizes that development patterns in the County will change, new laws affecting land use will be passed, events will occur that will require changes, and imperfections will be discovered as the County implements the General Plan.

Per General Plan Goal 2.9, the Five-year review discussed a more comprehensive review and assessment of how effective the implementation has been since adoption. The report included:

1. State and local requirements for a General Plan review.
2. New information received since the adoption of the Plan, including:
 - a. Recent Changes in State Law;
 - b. Recent Economic Development Studies;
 - c. Economic and Planning Systems Housing Development Feasibility Study;
 - d. Economic Development Advisory Committee (EDAC) Regulatory Reform General Plan Review;
 - e. 2010 Census Population Results; and
 - f. Current Economy Assessment.
3. General Plan Five-year review as delineated by General Plan Objective 2.9.1 including:
 - a. Land Inventory;
 - b. Rate of Development;
 - c. Community Region/Rural Center Changes options;
 - d. General Plan Mitigation Monitoring Program Review; and
 - e. A Summary of Findings from the Review.

The review concluded that the basic General Plan goals and assumptions are still valid. The review also revealed areas within the General Plan that could be improved to better address the development of moderate income housing, the creation of jobs, the loss of sales tax revenues and the promotion and protection of the agriculture and natural resource industries in the County. The Board adopted a Resolution of Intention (ROI 051-2011) for a TGPA to: reduce constraints to the development of moderately-priced housing, support job creation, capture more sales tax revenues, and protect and promote agriculture and natural resources. The Board also recognized the project should include any revisions necessary to address recent changes in State law since the adoption of the General Plan in 2004.

The Board directed staff to work with the Community and Economic Development Advisory Committee (formally EDAC but now CEDAC) and its Regulatory Reform Sub Committee to address issues in regards to meeting the County's adopted goals and objectives through implementation of General Plan policies, the Zoning Ordinance and the Land Development Manual.

Following an almost year long process of review, on November 14, 2011, the Board adopted a Resolution of Intention (ROI 182-2011) for a TGPA that specified the policies that are being considered for amendment or analysis only. This ROI superseded any previous General Plan Amendment ROIs including ROI 051-2011 – TGPA, ROI 013-2011 – Agricultural District expansion, ROI 182-2011 – Camino/Pollock Pines Community Region to Rural Center and ROI 274-2008 - 30% Open Space Policies Amendment.

The ROI (182-2011) identified a limited set of General Plan policies considered for amendment to achieve the Board's project objectives. The proposed policy changes are said to be "targeted" because they are limited to addressing only the areas of the General Plan thought to be inhibiting achievement of these goals and objectives.

The Zoning Ordinance is the primary tool for implementing the General Plan. In 2008, the Board directed staff to prepare a comprehensive update of the Zoning Ordinance to bring the Ordinance into conformance with the General Plan. This consistency is required by State law (Government Code §65860). Sections of the County's current Zoning Ordinance have been

amended throughout the past 30 years, but the Ordinance has never been comprehensively updated. Piecemeal updates and amendments have resulted in a patchwork of provisions and dated regulations.

The comprehensive draft Zoning Ordinance Update (ZOU) was first presented to the Board at a public hearing on October 18, 2010. After the Board's review, the County released a 2010 Public Review Draft (PRD) Zoning Ordinance on the County's Planning Services website. On November 14, 2011, following an almost yearlong review of the PRD, the Board adopted two ROIs (183-2011 and 184-2011), superseding the previous ZOU ROIs. The new ROIs outlined a project description for completing the update, including the development of design standards and guidelines for mixed-use development and traditional neighborhood design, and additional items the Board desired to address in the draft related to the TGPA project.

On January 24, 2012 the Board approved a scope of work and a contract with ICF International to complete an environmental review of the TGPA and ZOU projects as outlined in the ROIs. A key principle of California Environmental Quality Act (CEQA) is that the "whole of the project" be reviewed comprehensively, and that a project not be bifurcated into smaller parts, thereby reducing the degree to which potential impacts are analyzed. With this understanding of basic CEQA requirements, the County needed to consider how to process these different but related projects, while keeping in mind the costs, timing, and prioritization of each individually and as a whole. The Board determined that the best approach would be to combine the TGPA and ZOU into one project with a single environmental review.

ZONING ORDINANCE UPDATE

Zoning Ordinance Overview

The primary purpose of this update is to revise existing Zoning Ordinance text and maps to reflect revisions to the General Plan, and to reduce regulations and simplify processes. There are also numerous policy requirements that necessitate new or revised provisions in the ordinance. This consistency as required by State law (Government Code §65860).

In addition to General Plan consistency and policy directives, the Ordinance also needed to be updated to comply with new State laws. The Board directed staff to rely on State and Federal minimums where feasible and consistent with General Plan goals and objectives.

The third reason for revisions to the Zoning Ordinance was to address existing deficiencies in the ordinance. These include inconsistencies between current provisions, outdated terminology, and other similar concerns expressed by the Board, the Commission, applicants, and the general public. For specific changes see the attached Project Checklist.

The ZOU has proposed changes to some allowed uses, development standards and permitting requirements. The County's goal in revising the Zoning Ordinance has been to minimize changes, per Board direction. Therefore, although the draft Zoning Ordinance involves significant reformatting of the document, the uses allowed within the zone districts is substantially the same as allowed within the current Zoning Ordinance.

The Board conducted a five-day public workshop in July, 2012 to discuss in detail the draft ZOU, including specific topics such as the raising and keeping of animals, and home

occupation. The Board spent approximately 30 hours reviewing the draft ZOU, during the workshop, essentially going page by page, taking public comments throughout, and concluding with recommendations for revisions to the working draft of the ZOU. The Board members and the public raised a number of concerns, both general and very specific. At the conclusion of the workshops, the Board directed staff to prepare a revised Zoning Ordinance, including overall direction for the following changes:

1. Avoid adding new regulations, except where required by changes in State law or a specific requirement of the General Plan. Some regulations will be unchanged from the current Zoning Ordinance.
2. Minimize changes in development standards to avoid making existing uses, structures and lots inconsistent or “non-conforming”.
3. Ease or expand allowed uses to:
 - a. Enhance job creation;
 - b. Retain a greater capture of sales tax revenue;
 - c. Reduce constraints to the development of moderate housing;
 - d. Promote and protect Agriculture and Natural Resources; and
 - e. Where applicable, legalize ongoing compatible uses.

The current “strike-out” version of the draft Zoning Ordinance on the website reflects changes made to the initial 2010 Public Review Draft via the Zoning Ordinance Board Workshop held the week of July 16-20, 2012.

Identified Needs with respect to the Existing Zoning Ordinance and Proposed Solutions as Part of the (Draft) ZOU

The comprehensive update includes a complete reformatting of the current Zoning Ordinance to bring the document into a more contemporary and user friendly format. As part of the reformatting, whole sections were moved, merged or deleted. Additionally, new sections were added and existing sections were completely rewritten.

The magnitude of the reformatting precludes the use of the “track changes” tool, to identify the text differences between the current Zoning Ordinance and the ZOU. Using the “track changes” tool would result in a document that would be incomprehensible. Accordingly, it is more useful to start with the initial Public Review Draft and to show changes made to that document through the ZOU process. The current draft Ordinance was revised based on issues identified in Attachments 9D and 9E (listed as Exhibits B and C in Legistar File 08-0061) submitted to the Board of Supervisors in 2008 and again in 2012. These two documents outline the problems identified with the existing El Dorado County Zoning Ordinance and revisions required for implementation of the General Plan through the Zoning Ordinance. A summary of identified problems with the existing Zoning Ordinance and proposed solutions, as part of the Draft ZOU, is included in the table below.

Existing Zoning Ordinance	Draft ZOU
Identified Problems:	Proposed Solutions:
<ul style="list-style-type: none"> Periodic “Piecemeal” updates have been adopted over a 30-year period, resulting in an inconsistent “patchwork” of provisions 	<ul style="list-style-type: none"> The entire ordinance has been rewritten for internal consistency
<ul style="list-style-type: none"> Outdated with respect to the updated General Plan and CA Government Code 	<ul style="list-style-type: none"> The proposed ZOU, including maps and text, has been brought consistent with the General Plan and related California Government Codes.
<ul style="list-style-type: none"> Outdated and difficult to read 	<ul style="list-style-type: none"> The proposed ZOU has been completely reformatted, with a contemporary design and layout.
<ul style="list-style-type: none"> Due to the magnitude of required changes to solve identified problems, it was not possible to directly compare the existing Zoning Ordinance with the Draft ZOU, including utilizing electronic “track changes” methods. 	<ul style="list-style-type: none"> As directed by the Board, the initial 2010 Public Review Draft (PRD) included most large-scale changes to the (Draft) ZOU; Subsequent amendments could then be tracked through the ZOU update process.

Zoning Ordinance Format

The provisions of the Zoning Ordinance have been organized according to the following outline (Note: “X” is used as a placeholder for the actual number that will be used):

- Title 17 – Zoning Ordinance
 - Article 1, 2, 3, 4, 5, 6, 7, and 8
 - Chapter 17.xx
 - Section 17.xx.xxx
 - A. Subsection
 - 1. Paragraph
 - a. Subparagraph
 - (1) Subparagraph
 - (a) Subparagraph

The document looks fundamentally different than the existing Zoning Ordinance because it has been organized in a way that is more user-friendly, especially in an electronic format, which has grown to become the most common way to view the document. Its format was constructed to provide an appropriate degree of flexibility and the least amount of disruption to the document as a whole when revising or updating the document in the future. Similar formats are in widespread use throughout California. For example, both Nevada and Placer Counties have similar formats.

The Table of Contents demonstrates the order and flow of the Ordinance:

- Article 1 - General Overview
- Article 2 - Zones and their Permitted Uses and Development Standards
- Article 3 - General Development Standards
- Article 4 - Specific Regulations
- Article 5 - Permitting Processes
- Article 6 - Administrative Responsibilities
- Article 7 - Miscellaneous Fee Provisions
- Article 8 - Comprehensive Glossary

Additional appendices will incorporate supporting documents for easier accessibility and reference. Each of these will be discussed more thoroughly as the individual articles are reviewed.

Generally, all articles and chapters start with an Applicability section that states where or how the section will be applied, and in some instances the purpose and supporting policies from the General Plan. Additional sections may include Standards, Exemptions, and Exceptions. In certain cases, such as in Articles 3 and 4 especially, separate sections may have these provisions listed under them as subsections. Definitions that are specific only to that article, chapter, or section are included within them and not in the general Glossary. The provisions specific to the article, chapter, or section then follow.

Mapping: General Plan Land-Use Designations and Zoning Districts

Every parcel in the unincorporated areas of El Dorado County is assigned a General Plan Land-Use Designation and a Zone District. The General Plan designates generalized permitted planned land uses in the County, such as Commercial, Industrial, Residential (with densities ranging from Multi-Family to Rural Residential), Agricultural, Natural Resources and Open Space.

The TGPA does NOT modify any General Plan Land Use Designations as shown on the map, except where necessary to correct a small number of errors discovered subsequent to the adoption of the General Plan in 2004 (one tenth of one percent of existing parcels). These corrections are identified on the Draft General Plan Amendment map.

Privately-initiated General Plan Amendment applications which propose to change land use designations are NOT a part of the TGPA.

Zone Districts, which by law must be consistent with the General Plan designations, provide more detail on permitted uses and development standards. More than one Zone District may be

consistent with a single General Plan designation. For example, a parcel designated Medium Density Residential in the General Plan could have a Zone District of Residential One-Acre (R1A), Residential Two-Acres (R2A), Residential Three-Acres (R3A) or Residential Estate Five-Acres (RE-5). The Board is considering adding new zones and eliminating obsolete zones to ensure consistency with the General Plan.

Portions of the County's Zone District maps that are not consistent with General Plan Land Use Designations or policy are proposed to change as part of the ZOU. The general rule followed was: if the existing Zone District is consistent with its underlying Land Use Designation, then no change was proposed. If an existing Zone District is not consistent with its underlying Land Use Designation, then a consistent Zone District was proposed based on three factors: the lowest conforming density, parcel size, and parcel location. For example, a parcel with a land use designation of medium-density residential (MDR) could have a zone district of R1A, R2A, R3A and RE-5. In order to be consistent, a five-acre parcel would be assigned a proposed zone of RE-5, which would be the lowest residential density within the land use designation of MDR.

Parcel specific changes in the Zone District maps being considered in the ZOU can be looked up on the County's Parcel Data Inquiry website at:

http://www.edcgov.us/Government/LongRangePlanning/LandUse/TGPA-ZOU_Main.aspx

Along with Land Use Designation/Zone District consistency, the creation of new zones to reflect current zoning needs, and the deletion of Zone Districts no longer applicable, new overlay zones are proposed to more effectively implement General Plan policies, including a Historical Overlay in areas of El Dorado and Diamond Springs.

A summary of actual proposed zone changes is found in the table below.

General Plan Land Use Designation	Approximate # of parcels¹ rezoned	Acreage	% of County Total Acreage²
MFR	2,000	1,210	.10%
HDR	735	1,954	.17%
MDR	2,250	5,424	.48%
LDR	1,170	17,080	1.50%
RR	660	11,746	1.04%
AL	150	9,240	.81%
NR	300	11,607	1.02%
C	370	1,074	.09%
R&D	4	96	.009%
I	70	345	.03%
OS	350	11,186	.99%
TR	1	98	.009%
PF	15	615	.05%
Total	8,075	71,676	6.298%

¹ Total parcels in the County is approximately 108,000, and excludes the Cities of Placerville and South Lake Tahoe

² Total Acreage equals 1.13 million acres, and excludes the Cities of Placerville and South Lake Tahoe

New Parcels or Increased Densities as a Result of the ZOU Rezone

No new parcels will be created as a result of the rezoning process to bring the Zoning Maps consistent with the General Plan. The approval of a Zoning Amendment (rezoning) is a discretionary process and subject to CEQA. An approval of a rezone does not include an approval of, or automatically allow for, new parcels to be created. New parcels can only be created under the Subdivision Map Act. Subdivision is a separate and discretionary process, meaning that the zoning alone does not dictate approval of a particular subdivision, and subject to CEQA.

The subdivision process is guided by State law (Subdivision Map Act) and the County Subdivision Ordinance (El Dorado County Code, Title 16). The process starts with a landowner submitting an application for a “tentative subdivision map.” The application is reviewed by the County, local agencies and applicable State agencies, for compliance with regulations and standards for subdivisions. The tentative map application is subject to approval by the Planning Commission or the Board, if being processed with a rezone application. The tentative map application shows the design and layout of the proposed subdivision at a “planning” level of detail. The number, size, and shape of lots are conceptually shown, as well as preliminary street layout, drainage plan, and initial concepts for provision of other infrastructure, such as water and sewer.

If approved, the tentative map is valid for three years, but is eligible for time extensions. During that time, the applicant will prepare engineered plans for lots, streets, and all other infrastructure. The plans are subject to County approval including approval by other public agencies such as fire departments and public utilities (water and sewer). Once all plans are approved and a “Final Map” is submitted to the County, the Board can approve the map if found to be substantially consistent with the Tentative Map. The subdivision is not completed and no lots can be sold until the Final map is approved.

PUBLIC ENGAGEMENT

The public engagement effort for this project greatly exceeded what is required by law and the County used a variety of outreach efforts as described below and conducted approximately 75 public meetings over a two-year period. The first phase of public outreach, following the adoption of the project ROI’s to amend the General Plan and Zoning Ordinance, consisted of a series of community meetings in March of 2012. Evening meetings were held in the communities of El Dorado Hills, South Lake Tahoe, Somerset, Cameron Park, Cool, and El Dorado. The meetings provided an opportunity for residents to learn about the various project components, the decision making process, and opportunities for further involvement. These meetings were advertised through the dedicated project website, the County homepage, press releases distributed to local media, flyer postings at community gathering places throughout the County, and direct e-mail by staff to individuals and organizations. Attendance at the meetings ranged from a single person at the Tahoe meeting to more than 60 people in El Dorado Hills.

The second phase of outreach centered on the initial scoping meetings in May and June of 2012. In addition to the daytime Planning Commission meeting and evening Agricultural Commission meetings in Placerville, seven evening scoping meetings were held in the communities of El Dorado, El Dorado Hills, Greenwood, Somerset, Camino, South Lake Tahoe, and Cameron Park. Like the outreach meetings, the scoping meetings were advertised through

a press release distributed to local media, on the project and County websites, through direct e-mail by staff, and through the posting of approximately 50 flyers in key community gathering places throughout the County. Many local organizations such as chambers of commerce also helped spread news and information about project related meetings and information.

All project related information has been posted to the dedicated project website including press releases, meeting schedules, Board items, key documents, etc. There are over 1,800 e-mail subscriptions to the project and/or associated websites. All subscribers have been kept notified of any updates to the project website. In addition, dozens of articles have appeared in local media publications as a result of the outreach and meeting opportunities provided during the project process.

Finally, the CEDAC also directly notified hundreds of individuals and organizations about project related notifications, meetings and documents through its Constant Contact e-mail announcements.

On May 25, 2012, the first Notice of Preparation (NOP) for the TGPA/ZOU EIR was released for a 45-day public comment period. The NOP and related documents were posted to the project dedicated website and all subscribers to the website were notified. The Board then held a week long workshop on the Zoning Ordinance to review, take public comments and provide staff with direction for revisions to the draft ZOU. Staff revised the draft and returned to the Board during three additional meetings to review revisions and provide authorization to final the draft ZOU. Based on Board directed changes to the draft Zoning Ordinance, a second NOP was released on October 1, 2012 for a 30-day public comment period, whereby project related information was again posted on the dedicated project website, and all subscribers to the website were notified. Comments received during the review process have been taken into consideration in the proposed TGPA and ZOU. The full texts of the proposed TGPA and ZOU are available for review at: <http://www.edcgov.us/landuseupdate>.

In January 2014, the third phase of the extensive public outreach began in preparation of the release of the Draft Environmental Impact Report (DEIR). The dedicated project web page was completely updated and launched on the Long Range Planning (LRP) web page in March 2014. Link: http://www.edcgov.us/Government/LongRangePlanning/LandUse/TGPA-ZOU_Main.aspx

On March 24, 2014, the Draft Environmental Impact Report (DEIR) was released for a 120-day public review period, which was 75 days longer than the minimum 45-day period required by CEQA. Legal Notices were placed in the Mountain Democrat (March 24), Tahoe Tribune (March 26) and Georgetown Gazette (March 27). A press release with the Notice of Availability (NOA) was distributed to the local media, and posted on the dedicated project web page. The NOA and press release was posted on the County's Home Page under News and Hot Topics and email notices were sent to over 3,000 subscribers to several County subscription lists. The NOA was mailed to a list of about 200 interested parties and agencies, including Native American Tribal contacts within the project area. The NOA was posted at each of the County public libraries, which also received one hard copy of the DEIR document for public viewing. A hard copy of the DEIR was also available at the Planning public counter in Building C.

The following methods were made available to the public to submit their comments on the DEIR:

- 1) Online Comment Form posted on the dedicated project web page;

- 2) Project email address: TGPA-ZOU@edcgov.us; and
- 3) Mailing address to the project manager, Shawna Purvines.

Several reminder notices of the July 23, 2014 deadline to submit comments were sent electronically to the subscriber lists for the County's News and Hot Topics and LRP News and Updates, as well as to the County's Twitter and Facebook social media sites.

After the release of the DEIR, staff began planning and preparing for Planning Commission public hearings to be held in July and August 2014. A kick-off meeting was scheduled for July 10 with the Planning Commission, and a public hearing consisting of a series of seven meetings, was scheduled in August 2014, one of the meetings to take place at the Regular Agriculture Commission meeting.

During the week of June 11, 2014, notices of the July 10 Planning Commission public hearing to receive public comments on the DEIR were distributed by the following methods: posted on the County website home page under News and Hot Topics (1,300 subscribers notified), posted on the LRP web page under What's New (600 subscribers notified), and press release distributed to the local media. On June 26, staff provided a project update to both the Planning Commission and CEDAC and distributed a Project Fact Sheet with the schedule of the July 10 Planning Commission meeting and August public hearing schedule.

On July 1, 2014, the Project Fact Sheet and Planning Commission public hearing schedule was posted on the Long Range Planning web page and notices sent to the News and Hot Topics and LRP subscription lists. After the July 10 Planning Commission public hearing, the Project Fact Sheet and August public hearing schedule were revised to include the topics to be discussed at each of the August meetings. The updated Project Fact Sheet and hearing schedule was posted on the County website on News and Hot Topics, on the project web page, and email notices sent to the subscription lists. Two legal notices were placed in the Mountain Democrat (July 18 and July 25), Tahoe Tribune (July 23 and July 30) and Georgetown Gazette (July 24 and July 31). In addition, a paid ad (7.5" x 5") was placed in the Mountain Democrat on July 30. Notices of the August public hearing/meetings were also distributed via the County's Twitter and Facebook social media. Additionally, the Project Fact Sheet/public hearing schedule was direct mailed to the interested parties/agencies list and emailed to the individuals and agencies who submitted DEIR comments by email. The Fact Sheet/Hearing Schedule flyers were also distributed to all the County public libraries, and emailed to numerous local community organizations and agencies.

CHARACTER, ANALYSIS, AND FUTURE USE OF THE TGPA-ZOU EIR

Character

The EIR for the TGPA-ZOU is characterized as a "program EIR." That is, an EIR prepared for a series of actions that can be characterized as one large project and that are related in connection with the issuance of regulations and plans (paraphrasing CEQA Guidelines¹ Section 15168). The proposed TGPA-ZOU is the project for which the EIR was prepared.

¹ The California Environmental Quality Act (CEQA) is implemented through the provisions of the Act itself, and the statewide CEQA Guidelines adopted as part of Title 14 of the California Code of Regulations.

The TGPA-ZOU program EIR (TGPA-ZOU EIR) differs from the typical “project EIR” that is prepared for a site-specific project such as a highway interchange or large development proposal. The degree of specificity in the TGPA-ZOU EIR corresponds to the degree of specificity contained in the proposed TGPA-ZOU, consistent with CEQA Guidelines Section 15146. Because the TGPA-ZOU does not include site-specific actions, it does not have the degree of specificity that would be expected of the EIR prepared for a development project. This corresponds with CEQA Guidelines Section 15146(b), which states:

“An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow.”

The ZOU includes site-specific zone changes, but does not propose any specific development on any of those sites. The zone changes are being undertaken in order to make the zoning consistent with the General Plan’s land use map. By law, the County’s zoning must be consistent with its General Plan; these zone changes are being made in order to conform to state law. (Government Code Section 65860)

The TGPA-ZOU EIR is not required to, nor does it speculate about the specific development that might someday be proposed on the zone change sites. CEQA does not require lead agencies “to engage in speculation in order to analyze a ‘worst case scenario’” (*Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 373). CEQA Guidelines Section 15151 describes the standard for adequacy of an EIR as follows:

“An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.”

The TGPA-ZOU Program EIR Analysis

This program EIR is a stand-alone document. CEQA allows an EIR to “tier” from a previously approved EIR for a related project. However, the TGPA-ZOU EIR is not tiered from any prior EIR. It references pertinent analyses contained in the 2004 General Plan EIR, but the TGPA-ZOU EIR draws its own conclusions about the significance of the environmental impacts of the TGPA-ZOU.

Use of the 2004 General Plan EIR

In order to evaluate the general impacts that may result from the zone changes, the TGPA-ZOU EIR uses the 2004 General Plan EIR as a reference. The 2004 General Plan EIR examined the potential impacts of development under the General Plan, so it offers insight into the potential impacts of zone changes that bring existing zoning into consistency with the General Plan. When reading the TGPA-ZOU EIR, pertinent information from the 2004 EIR will be found under the heading “2004 General Plan EIR Conclusions” in the impacts analyses. In some cases,

information from the 2004 General Plan EIR is incorporated into the TGPA-ZOU by reference, in accordance with CEQA Guidelines Section 15150. The TGPA-ZOU EIR then makes its own conclusions regarding the TGPA-ZOU's impacts and their significance based on consideration of existing conditions.

The TGPA-ZOU EIR uses information from the 2004 General Plan EIR to help examine the impacts that will result from development under the project. However, the TGPA-ZOU EIR does not use the existing General Plan as the baseline for its impact analyses. This is a key distinction.

Baseline for Analysis

The baseline for the TGPA-ZOU EIR's analyses is existing conditions, in accordance with CEQA Guidelines Section 15125 which states that: "[the] environmental setting will normally constitute the baseline physical conditions by which a lead agency determines when an impact is significant." The TGPA-ZOU EIR does not use the existing General Plan as the baseline because the General Plan illustrates the future uses of land, not the existing conditions.

Impact Analysis

The TGPA-ZOU EIR describes the TGPA and ZOU impact mechanisms in each of its resource areas (e.g., aesthetics, agriculture and forestry, air quality and greenhouse gases, etc.). The term "impact mechanism" simply refers to that component of the proposal that would potentially result in physical changes to the resource being evaluated. For example, the aspects of the TGPA-ZOU likely to result in visual impacts, such as loosening limits on allowing residential development on slopes of 30%, and ZOU provisions allowing Ranch Marketing, Agricultural and Timber Resource Lodging, Health Resort and Retreat Centers, Ski Area, Industrial, General, and Public Utility Service Facilities, Intensive in agricultural and forestry zones, are listed under "Impact Mechanisms" in Section 3.1, Aesthetics. In this example, these are the types of policies or land uses that typically could result in new development that would adversely affect existing scenic vistas or degrade the existing visual character of the area.

The analysis identifies thresholds of significance against which the potential impacts of the TGPA-ZOU were examined. These are identified in each of the TGPA-ZOU EIR's impact sections (i.e., Sections 3.1 through 3.10) under the heading "Thresholds of Significance." They carry over into the titles of the impacts identified under "Impacts and Mitigation Measures" in the section. Using Section 3.1, Aesthetics, as an example: the list of thresholds of significance begins with "result in a substantial adverse effect on a scenic vista" and that is the title of Impact AES-1.

During the analysis of the potential impacts of the TGPA-ZOU project, the EIR preparers considered the extent to which existing Federal, State, and local regulations pertinent to the resource being reviewed would reduce the project's impact. The regulations are listed in the impact section's "regulatory setting" discussion. One example of this approach is in Section 3.3, Air Quality and Greenhouse Gases. The regulatory setting discusses the El Dorado County Air Quality Management District's (EDCAQMD's) regulations that limit the production of fugitive dust during construction. Impact AQ-1 (generate construction-related emissions in excess of EDCAQMD thresholds) considers the extent to which those regulations would help future actions avoid exceeding the AQMD's dust standards. In that example, the TGPA-ZOU EIR

concluded that future, large projects consistent with the TGPA-ZOU may nonetheless have a significant effect on the environment.

Similarly, the analysis considered existing General Plan policies that would reduce the project's impact. These are listed in the regulatory setting section. For example, in Section 3.3, Air Quality and Greenhouse Gases, the pertinent General Plan policies included Policies 6.3.1.1 through 6.3.1.3 addressing naturally occurring asbestos. In some cases, the existing General Plan policies that are listed in the regulatory setting are pertinent to the issue, but are of limited practical use in reducing the TGPA-ZOU's impacts. The protective policies are identified in the impact analysis.

Where regulations or policies would not avoid or reduce the potential impact below a level of significance, the TGPA-ZOU EIR includes a mitigation measure that will further avoid or reduce that impact. For Impact AQ-1, for example, the TGPA-ZOU EIR includes Mitigation Measure AQ-1, which sets out a specific proposed change to the Zoning Ordinance that would reduce air pollutant emissions during construction. As noted earlier, the TGPA-ZOU EIR concluded that there would nonetheless be significant effects from construction emissions.

The analyses also consider the components of the TGPA-ZOU itself that would reduce its impacts. For example, the ZOU includes a noise ordinance that would establish enforceable limits on noise production. Although it would not avoid the potential noise impacts of development under the TGPA-ZOU, the impact analysis in Section 3.7 of the TGPA-ZOU EIR notes that the noise ordinance will reduce the impacts somewhat.

Mitigation Measures

CEQA requires an EIR to describe feasible measures that could minimize significant adverse impacts. These "mitigation measures" must be fully enforceable and, when the project is adoption of a plan or regulations, the mitigation measures can be incorporated into the plan or regulations (CEQA Guidelines Section 15126.4). The TGPA-ZOU EIR follows this by including mitigation measures that would revise portions of the TGPA or ZOU in order to reduce the impacts of the TGPA-ZOU. Here are some examples:

- Mitigation Measure AQ-1 consists of revisions to the ZOU that mandate actions to reduce air pollutant emissions from construction;
- Mitigation Measure AES-4 consists of specific ZOU revisions to reduce light and glare in new development; and
- Mitigation Measure AG-1a places limits on the size of the Health Resort and Retreat Centers described in the ZOU.

CEQA's directive is to identify mitigation measures that minimize significant impacts, but it does not require that the measures reduce the impact below a level of significance. There are often situations where avoiding a significant effect is not possible. The TGPA-ZOU EIR does not assume that mitigation measures will always avoid a significant effect.

Certain types of development projects that could be allowed under the TGPA-ZOU are reasonably foreseeable to potentially result in significant effects because of their typical size, location, and level of environmental disturbance. Examples include ZOU provisions for Ranch Marketing, Agricultural and Timber Resource Lodging, Ski Area, and Industrial General and their potential effects on scenic vistas in rural areas of the County. At the same time, because no specific development projects are being proposed, there is not enough information to be able

to draft a mitigation measure that would clearly reduce those future impacts below a level of significance. In these situations, such as Impact AES-1 (result in a substantial adverse effect on a scenic vista), the TGPA-ZOU concludes that the impact will be significant and unavoidable.

To an extent, the level of detail in the TGPA-ZOU EIR's mitigation measures is limited by the nature of this project. The TGPA-ZOU does not propose any specific development projects. Therefore, the size, intensity, and design of future development that could occur under the TGPA-ZOU cannot be known at this time. For example, the ZOU would allow a Health Resort and Retreat Center in specified zones either by right or upon approval of an administrative or conditional use permit. However, the ZOU's definition of Health Resort and Retreat Center does not provide much detail about what would constitute such a center.

As a result, many of the mitigation measures are broader than they might be if this were a development project. Using the Health Resort and Retreat Center as an example again, in response to the potential impacts of such centers in rural areas, the TGPA-ZOU EIR includes Mitigation Measure AG-1a, which would limit these centers to the size of bed and breakfast inns.

The mitigation measures for a private development project are adopted as "conditions of approval" for that project to ensure they are implemented. The TGPA-ZOU is not a development project, but is instead a set of proposed changes to the County's land use planning policies and regulations. Accordingly, the mitigation measures will be included in the approval of the TGPA and ZOU, thereby incorporating them into the General Plan and the proposed Zoning Ordinance to ensure their implementation.

Future Use of the TGPA-ZOU EIR

The primary purposes of the TGPA-ZOU EIR include examining the potential significant environmental impacts of this project (i.e., the TGPA, ZOU, and Mixed Use Design Guide), disclosing those impacts to allow informed decision-making, and identifying feasible, enforceable mitigation measures that would avoid or reduce the significance of those impacts. In addition, as a program EIR, the TGPA-ZOU EIR offers the potential to streamline the CEQA process for later actions (i.e., development projects).

Broadly stated, once the Final TGPA-ZOU EIR is certified, it can be used as the basis for approving later actions that are within its scope without the need to prepare a new EIR for the action (CEQA Guidelines Section 15168). This provision of CEQA is intended to streamline the environmental review process for later actions that have already been adequately analyzed by the program EIR.

Certifying the TGPA-ZOU EIR does not eliminate the need to analyze the potential environmental impacts of later actions. CEQA Guidelines Section 15168 establishes two important limitations on this streamlined process.

First, the later action must be "within the scope" of the program EIR. That means that (1) the action is part of the project described in the program EIR and (2) all of its significant impacts were examined in the program EIR. If the later action was not part of the project or would have impacts that were not examined previously, then the action would be subject to CEQA's usual requirements for preparation of an EIR.

Second, when the later action is within the scope, it must be examined to determine whether it would result in a substantial increase in the severity of any of the significant impacts that were previously analyzed in the program EIR. The increase in severity could be related to any of the following: (1) the extent to which the later action is a change to the project; (2) the extent to which changes have occurred in the circumstances that existed when the program EIR was certified; or (3) whether there is new information that was not known and could not have been known when the program EIR was certified (CEQA Guidelines Section 15162). If the later action would increase a significant impact's severity, then a "subsequent EIR" would be required by CEQA. The subsequent EIR would focus its attention on that impact.

In conclusion, once it is certified, the TGPA-ZOU EIR will offer opportunities for streamlining the CEQA process for later actions. The extent to which this will occur will depend on the characteristics of proposed later action and will be determined on a case-by-case basis. This EIR can be used in conjunction with other CEQA streamlining tools, including but not limited to Guidelines section 15183.

NEXT STEPS

Planning Commission Public Hearing

The Planning Commission is holding a Public Hearing that includes series of public meetings to receive public comments on the TGPA-ZOU project and to prepare a recommendation to the Board. Each date will focus on different topic(s) of the TGPA-ZOU and MDX. However, public comments on any part of the TGPA-ZOU will be received at any of the public meeting dates. Staff is recommended the discussions be broken down as follows:

Note: All dates, times and topics listed below are subject to change. Additional dates and topics may be added. Check the Long Range Planning website for updates: <http://www.edcgov.us/LongRangePlanning/>.

- **Monday, August 4th, 5 p.m. to 7 p.m.**
Introduction, Project Background and Project Review Process Overview: Come learn about the TGPA-ZOU Project and find out how to be involved.
- **Wednesday, August 6th, 8 a.m. to Noon**
Project Description, Project Checklist and Summary of Public Comments on the Draft Environmental Impact Report: Learn about specific changes proposed for the General Plan and Zoning Ordinance and the potential environmental impact(s), if any, of each proposed change.
- **Wednesday, August 13th, Noon to 4 p.m.**
(1) Zoning Ordinance Format and Chapter Overview: Find out how the proposed Zoning Ordinance is organized, and how to locate important information. (2) Mapping Process and Final Draft Maps: Review proposed changes to the zoning maps and share your comments.

- **Wednesday, August 13th, 6:30 pm to 8 p.m.** (Regular Agricultural Commission Meeting)

Project Components Related to Agriculture and Rural Lands: **Learn about proposed changes to agricultural and rural lands including Agricultural District expansion, rural commercial policies, agricultural support services, ranch marketing allowances for commercial grazing operations and more. Share your comments with the Agricultural Commission.**

- **Thursday, August 14th, 8:30 am to 3 p.m.** (Regular Planning Commission Meeting)
(1) Project Components by Objectives: a) Reduce constraints to the development of moderately-priced housing, (b) Support job creation, (c) Capture more sales tax revenues, and (d) Preserve and promote agriculture and natural resources; (2) Mixed-Use Design Manual and Land Development Manual Volume 3 – Community Design Standards and Development Guidelines. Get a detailed review of the specific objectives (goals) of the Project and share comments about how these objectives are being proposed to be achieved.

- **Monday, August 18th, 8 a.m. to Noon**

Prepare Recommendations for the Board of Supervisors: The Planning Commission will complete a final review of the Project, including public comments, and will prepare a recommendation to the Board of Supervisors for consideration at the Project hearing anticipated to be held in October 2014.

- **Wednesday, August 20th, 8 a.m. to Noon** *(date and time reserved if needed)*

Note: The Planning Commission will not be taking any final action on the Project, but will be preparing a recommendation for the Board to consider at the Project hearing anticipated to be held in October 2014. The Planning Commission is not required to advise the Board on all of the policy and ordinance changes that make up the project. The Commission can choose to make selected recommendations only, and not include recommendations on those components of the project that, in the Commission's opinion, would result in additional significant impacts to the environment.

Staff will be providing the Planning Commission with Staff Report #2 that includes a technical discussion of key project comments, and will address many comments and questions received.